

Office Action Summary

Application No.

09/980,252

Applicant(s)

MIZUSHIMA ET AL.

Examiner

Elaine Gort

Art Unit

3687

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 37, 38, 40 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

It is unclear in claim 37 in line 14 regarding "the draft information". It is unclear if the draft information relates to only the draft information of line 5 or to the "new draft information" claimed in lines 9 and 12.

Claim 40 recites the limitation "the cargo" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "the booking information" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 40 recites the limitation "the booking information" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (The Path of Least Resistance, December 1989) in view of Moore (Transportation and Logistics: It doesn't have to be a jungle adventure; Automatic I.D. News, Oct 97).

Tozzoli et al. discloses the claimed automatic drafting method of a draft of a bill of lading, the method comprising the steps of:

Performing pre-booking of a specific outgoing vessel schedule selected among previously obtained outgoing vessel schedule information at a time of receiving a consigning order of cargo delivery (see page 76 first column line 34+ describes interested shippers obtaining "rate quotes and delivery date commitment", construed by the examiner to be "pre-booking" for outgoing vessels that have schedules. For example in line 54 discloses that a shipment must get on the "right ship" which examiner construes as a specific outgoing vessel having a specific schedule) and using information concerning a designated outgoing vessel schedule as draft information for the bill of lading (page 76 column 1, lines 40+ discloses a sophisticated computerized export system that produces all the necessary documents for the door-to-door movement, data generated regarding the shipment, such as the specific ship the cargo is to travel on, is construed as draft information for the bill of lading);

Issuing a booking instruction of the outgoing vessel schedule information for confirmation (page 76 column 2 line 44 discloses shippers booking the shipment space. Page 76, column 2 lines 44+ disclose that once the shipper makes the booking a fixed transit time schedule is set, construed as final information for the bill of lading.);

Making new draft information for the bill of lading by adding shipping instruction information to the outgoing vessel schedule information for confirmation in response to a shipping requirement (page 76, column 1 lines 36+ disclose where the shipper adds shipping instruction information by completing the shipping invoice and faxes paperwork to PIE, PIE checks for errors and enters the information into the computerized export system, this supplier provided information is construed as new draft information.);

Transmitting the new draft information for the bill of lading as final information for the bill of lading (page 76, column 1, line 44 discloses that the export system produces all necessary documents for the door-to-door movement which Examiner construes to include the bill of lading discussed in column 2, line 41 and column 3 line 2. Final information for the bill of lading is used to generate this bill of lading.);

Whereby the draft information of the bill of lading is automatically made (outgoing vessel schedule information is inherently stored in the "computerized export system" and used as draft information for a bill of lading and is therefore construed as "automatically" made.);

but is silent regarding using attached bill reservation numbers for the bill of lading.

Moore teaches that it is old and well known in the art of bill of ladings to use a wide array of tracking numbers on bill of ladings to track or receive shipments. It would have been obvious to one having ordinary skill in the art at the time the invention was

made to provide the computerized export system of Hoffman with the bill of lading tracking numbers taught by Moore, in order to track the shipments.

Regarding basic six information included in the bill of lading draft information, Examiner, as examples, construes that the invoice information defines "which cargo", shipper's name or ID would constitute "who", shipping address would constitute "where", invoice information includes "how many", pick up location constitutes "from where" and delivery location constitutes "to where".

5. Claims 38, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman and Moore further in view of Augello (Constructive Notice' not dead yet).

Hoffman and Moore, as modified above disclose the claimed automatic drafting method, but is silent regarding using issuance dates on a bill of lading.

Augello teaches that it is old and well known in the art of bill of lading to use an issuance date on bill of lading to track the date. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computerized export system of Hoffman and Moore, as modified above, with the bill of lading issue date taught by Augello, in order to track the date.

6. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman, Moore, Augello, as modified above, and further in view of Tozzoli et al. (US Patent 6,151,588).

Hoffman, Moore and Augello, as modified above, disclose the claimed automatic drafting method, but is silent regarding an electronic site on the shipper's side.

Tozzoli et al. teaches that it is old and well known in the art of bill of lading to use on line access and storage to a computerized shipping system to provide convenience and eliminate someone having to enter the data again.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the computerized export system of Hoffman, Moore and Augello, as modified above, with the on-line access and storage taught by Tozzoli et al., in order to eliminate reentry of data.

Response to Arguments

7. Applicant's arguments with respect to claims 37-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gort Matthew can be reached on 571/272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/
Primary Examiner, Art Unit 3687

Elaine Gort
Primary Examiner
Art Unit 3687

3/10/2008